

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:
BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01182 (SMB)

TWENTIETH AMENDED CASE MANAGEMENT PLAN

Irving H. Picard (“Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and the consolidated chapter 7 estate of Bernard L. Madoff, Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P., and Defendants Ascot Fund Ltd., J. Ezra Merkin, and Gabriel Capital Corporation (“Defendants”) (collectively, “Parties”) in the above-captioned adversary proceeding, seek to modify the July 5, 2017 Nineteenth Amended Case Management Plan (ECF No. 405) pursuant to Fed.R.Civ.P.16(a)(4), as incorporated by Fed.R.Bank.P. 7016.

1. Briefing Regarding Equitable Subordination: The following shall be the schedule for the briefing regarding equitable subordination:

August 23, 2017	Defendants' Motion Due
September 15, 2017	Trustee's Opposition Due
September 29, 2017	Defendants' Reply Due

2. Letters Regarding Burden of Proof and Burden of Persuasion: The Trustee and Defendants will file letters regarding the burden of proof and the burden of persuasion on September 29, 2017.

3. Settlement Conference: A settlement conference will be held before the Court on October 11, 2017 at 10:00 a.m.

4. Joint Pretrial Order and Trial Briefs: The parties shall file their Joint Pretrial Order and Trial Briefs at least 30 days prior to the date of trial.

5. Final Pretrial Conference: The final pretrial conference will be held on a date to be determined before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004-1408.

6. Trial: Trial shall commence on a date to be determined before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004-1408.

SO ORDERED.

Dated: August 24th, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
United States Bankruptcy Judge